



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 02309-00
15 February 2001

CWO3 M [REDACTED] RET
[REDACTED]
[REDACTED]

Dear Chief Warrant Officer [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 February 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 12 May 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Since the Board found insufficient basis to remove your failures by the Fiscal Year 99 and 00 Naval Reserve Chief Warrant Officer (W-4) Selection Boards, they had no grounds to set aside your transfer to the Retired Reserve. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure

2309-00



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5420
PERS-86
12 May 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR ADVISORY OPINION IN THE CASE OF
CWO [REDACTED] USNR [REDACTED]

Encl: (1) BCNR File 02309-00 w/Service Record

1. We are returning enclosure (1) with the following observations and recommendation that Chief Warrant Officer [REDACTED] petition be denied.
2. Chief Warrant Officer [REDACTED] requests removal of two failures of select on the basis that the boards committed errors by considering him as an above zone candidate.
3. Chief Warrant Officer [REDACTED] was properly considered by the FY-98, FY-99 and FY-00 Naval Reserve Chief Warrant Officer, (W-4) Promotion Selection Boards. He was not selected by any of the boards. He was considered as a below zone candidate by the FY-98 board, an in-zone candidate by the FY-99 board, and an above zone candidate by the FY-00 board. There was no error as to his status, and after the below zone consideration he was properly classified as an in-zone candidate. Chief Warrant Officer [REDACTED] communicated in writing with the FY-99 and FY-00 boards.
4. Specific reasons for the failures of select are not available because selection board proceedings are sensitive in nature and records of deliberations are not kept. The selection boards were not misinformed regarding Chief Warrant Officer [REDACTED] status. All chief warrant officer selection boards are aware that all chief warrant officers receive below-zone consideration and therefore Chief Warrant Officer [REDACTED] situation was not unique but rather equivalent to the in-zone and above-zone officers being considered. Chief Warrant Officer [REDACTED] exercised his right to communicate all issues of

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN CASE OF
CW03 [REDACTED] USNR, [REDACTED]

concern to the selection board. It is our opinion that Chief
Warrant Officer [REDACTED] record simply was not competitive
enough when viewed within the numerical constraints placed on
the boards.

5. Chief Warrant Officer [REDACTED] can be justifiably proud of
his record and years of contributions; this negative response to
his petition does not detract from his honorable service to this
nation and the United States Navy.

[REDACTED]

Director, Reserve Officer
Promotions, Appointments, and
Enlisted Advancement Division